

## ADMINISTRATIVE PANEL DECISION

Fridababy, LLC v. Vladimir Veselovskiy

Case No. D2025-0248

### 1. The Parties

The Complainant is Fridababy, LLC, United States of America (“US”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondent is Vladimir Veselovskiy, Ukraine.

### 2. The Domain Name and Registrar

The disputed domain name <thefridababy.com> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on January 24, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on January 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 17, 2025.

The Center appointed Nayiri Boghossian as the sole panelist in this matter on February 18, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a US company, which distributes baby products. The Complainant owns trademark registrations for FRIDA BABY, and for FRIDA, worldwide, such as:

1. US Trademark Registration No. 5155772, registered on March 7, 2017;
2. International Trademark Registration No. 1576466, registered on December 17, 2020.
3. International Trademark Registration No. 1591897, registered on December 17, 2020; and

The Complainant controls the domain names <frida.com> and <fridababy.com>.

The disputed domain name was registered on November 15, 2024. The disputed domain name used to resolve first to a website similar to the Complainant's website, then to a website with Pay-Per-Click ("PPC") links; and currently resolves to an error page.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name incorporates the Complainant's trademark in its entirety. The addition of the term "the" does not prevent a finding of confusing similarity. The Top-Level Domain ("TLD") ".com" is disregarded under the first element of the Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not authorized by the Complainant to use its trademark nor is it affiliated with the Complainant. The Respondent is not identified in the Whois database by the disputed domain name. Hence, the Respondent was not commonly known by the disputed domain name. The Respondent is not making a bona fide offering of goods or services or legitimate, noncommercial fair use of the disputed domain name.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Respondent must have known the Complainant's trademark as the Complainant's trademark is known internationally and was registered prior to the registration of the disputed domain name. Also, the disputed domain name used to resolve to a page that displayed the Complainant's logo, and the aesthetic commonly associated with the Complainant as well as information about its products. It is not a coincidence that the disputed domain name includes the Complainant's trademark in its entirety simply adding to it the letters "the". The disputed domain name was later used to resolve to a parking page with Pay-Per-Click ("PPC") links, which relate to the Complainant's industry. Additionally, the Respondent used a privacy service.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## 6. Discussion and Findings

### 6.1 Preliminary Matters

The Panel notes that no communication has been received from the Respondent.

Since the Respondent's postal address is stated to be in Ukraine, which is subject to an international conflict at the date of this decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue (see *Wilshire Refrigeration & Appliance, Inc. v. Oleksandr Kliuiev, Henryslist.com*, WIPO Case No. [D2024-0962](#)). Having considered all the circumstances of the case, the Panel is of the view that it should. The Panel notes that the Center has used the Respondent's email address as registered with the Registrar for the purposes of notifying the Complaint. There is no evidence that the case notification email to this email address was not successfully delivered.

Further, the Respondent apparently registered the Disputed Domain Name as recently as November 2024, and thus would appear to be capable of controlling the disputed domain name and the related content and that, having apparently received notification of the Complaint by email, it would have been able to formulate and file a Response if it wished to do so.

It is moreover noted that, for the reasons which are set out later in this decision, the Panel has no serious doubt (albeit in the absence of a formal Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

Lastly, the Complainant has selected as the mutual jurisdiction the courts at the location of the principal offices of the concerned Registrar, such courts not being subject to an international conflict and thus the Panel finds that proceeding with this Decision does not preempt the Respondent from asserting its rights under paragraph 4(k) of the Policy to submit this dispute to the courts at the applicable mutual jurisdiction.

Accordingly, the Panel considers it is able to proceed to determine this Complaint and to draw inferences from the Respondent's failure to file any Response. While the Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant, the Panel may draw appropriate inferences from the Respondent's default (see, e.g., *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#)).

#### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "the" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent was aware of the Complainant's trademark as it was registered years before the registration of the disputed domain name, reproducing the FRIDA BABY trademark in its entirety, and it is highly similar to the Complainant's domain name <fridababy.com> (under the Complainant's control since 2010). Also, the disputed domain name previously resolved to a website that displayed the Complainant's trademark using the same font and color scheme and displaying the Complainant's products which leads the Panel to conclude that the Respondent registered and used the disputed domain name likely to take an unfair advantage of its similarity (and the similarity of its website) with the Complainant's trademark and website. Additionally, following a website takedown performed by the Complainant through its representative, the disputed domain name was used to resolve to a parking page with PPC links for baby products, which amounts also to use of the disputed domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Panel notes that the disputed domain name does not currently resolve to an active website. Panels have found that the non-use of a domain name (including a blank page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the fact that the Respondent was aware of the Complainant's trademark, the prior uses of the disputed domain name and the composition of the disputed domain name and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <thefridababy.com> be transferred to the Complainant.

*/Nayiri Boghossian/*  
**Nayiri Boghossian**  
Sole Panelist  
Date: February 26, 2025